# Jews were forbidden by the Ottoman govt to enter Palestine or to buy land in Palestine

Mr. Bayard to Mr. Straus.

Department of State,

Washington, October 31, 1887.

Sir: I inclose for your information, and with a view to a report upon the subject, a copy of a dispatch from the consul at Jerusalem, No. 26, of the 28th ultimo, covering a copy of a communication from the governor of Palestine relative to the expulsion of Jews therefrom.

I am, etc.,

T. F. Bayard.

history.state.gov/historicaldocuments/frus1888p2/d340

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Mr. Gillman to Mr. Porter.

Consulate of the United States, Jerusalem,

September 28, 1887.

Sir: I have the honor herewith to inclose copy, with translation, of a communication which I have received from his excellency Raouf Pasha, governor of Jerusalem and Palestine, relative to the expulsion from Palestine of Jews who are foreigners, in our case, of course, having reference to citizens of the United States who are Jews.

This has been followed by a notice through the police department of Jerusalem, given verbally, but of the same tenor.

It appears this decree (Iradeh) does not apply to all American citizens in Palestine who are Jews, but only to those who have recently come here.

Asking for your instructions in regard to this decree, that I may govern myself accordingly,

I am, etc.,

Henry Gillman.

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Raouf Pasha to Mr. Gillman.

Mutessariflik of Jerusalem.

Sir: It has been represented to me in a memorial from the police department that the consulates do not lend the necessary assistance to cause the foreign Jews (literally people of Moses) to return to their countries after the expiration of the temporary period assigned to them to perform their pilgrimage, viz: one month, in conformity to the decision of the Government based on a special iradeh prohibiting foreign Jews from coming to reside and settle in Palestine; that, as thereby this decree is infringed, the police ask that the necessary steps be taken at the different consulates to the end that on the expiration of the above-mentioned term the necessary facilities should be afforded by them, both here and on the embarkation at Jaffa, for the return of the said Jews to their homes, and that the needful instructions on the subject be given to the various vice-consulates at Jaffa. I have a ddressed communications to this effect to all consulates, as now to yourself, to which I request a reply.

I avail myself of the opportunity, etc.,

Mohammed Raouf,

Governor of Jerusalem.

The 22' Zi El-Hidjah.

August 29, 1887.

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TURKEY 1884/420

Aarifi Pasha to Mr. Wallace.

Ministry of Foreign Affairs,

Sublime Porte,

January 22, 1884.

According to reports received from the authorities of Jerusalem, a certain number of Russian subjects, who left their country about five years ago to live in Palestine, have been declared by the Russian consular authorities to have forfeited their nationality and have succeeded at a subsequent date to have themselves admitted as American citizens.

A naturalization obtained in such conditions could evidently not be recognized by the Imperial Government as legitimate and valid. The ordinary principles of right oppose themselves to its admission in European countries, and also, a fortiori, in the Ottoman Empire, where the capitulations assure to foreigners exceptional immunities, and where, consequently, the control to be exercised by the authorities on a change of nationality presents an indisputable question of order.

In principle and in strict right, any foreigner established in the Empire who should lose his rights to his original nationality must be considered as an Ottoman subject, and if he desires to embrace this or that other citizenship he is bound to go to the country whose naturalization he desires to acquire to live there the number of years fixed by the local laws and conform in all points required to obtain a change of nationality.

In calling the attention of the United States legation to the preceding considerations, the Sublime Porte likes to hope it will be good enough to acknowledge the justness, and transmit conformable instructions to its consul at Jerusalem.

history.state.gov/historicaldocuments/frus1884/d420

Mr. Wallace to Mr. Frelinghuysen.

Legation of the United States,

Constantinople,

January 24, 1884.

Sir: I have the honor to report a correspondence with his highness, the minister of foreign affairs, relative to certain persons claiming American citizenship by naturalization, but at present domiciled in Palestine, and to transmit for your consideration the notes upon the subject interchanged up to the present: a copy of the minister's communication, a translation of that, and my reply thereto.

I have reason to believe that the movement on the part of the Sublime Porte has application to the little colony of naturalized American Jews, which, when visiting Jerusalem, I found resident there, in number thirty-five or forty. They are mostly old men, and quite poor, who have betaken themselves to Palestine as the most sacred of places, thinking that if they behaved themselves and lived orderly lives they might be permitted to die and be quietly buried there. It is, in my opinion, more than probable that some of them were originally Russian subjects.

Permit me to hope that my reply will meet your approval.

Very respectfully, &c.,

LEWIS WALLACE.

history.state.gov/historicaldocuments/frus1884/d420

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Mr. Wallace to Aarifi Pasha.

Legation of the United States,

Constantinople,

January 24, 1884.

Highness: I have the honor to acknowledge receipt of your note verbale, No. 73375, 1, dated January 22, 1884, relative to certain persons in

Palestine who were originally Russian subjects but have succeeded in having themselves admitted as American citizens.

It is greatly to be regretted that the communication is not as particular in its terms as the importance of the principles involved would seem to justify. There are three classes of persons, however, to which the application may be meant: First, a class claiming American citizenship who have not even taken out the first paper required of them by the law; second, a class asserting the claim who have gone so far as to take out the first paper, renouncing their original allegiance, but there stopped; and third, a class who have in every point perfected their naturalization as citizens of the United States.

The instructions given to the American consul at Jerusalem for his government in the matter may be substantially stated for the satisfaction of your highness.

A copy of the note with which your highness has honored me has been transmitted to that official for his information; his attention is then particularly called to the description of the persons referred to therein, and he is directed to make diligent inquiry to ascertain if there are such persons in his consular jurisdiction. If he finds there are any fairly within the first of the classes above given, he is simply to inform them that they have no right to his protection; if he finds any who are properly of the second class he is to examine their papers, take copies of them, and report upon their authenticity; of this second class he is also to inquire when they left America, how long they have been aboard, how long in Palestine, why they came abroad, why they took up residence in Palestine, what business they are there engaged in, if any, whether they intended returning to America when they left its shores, and keep a record of their answers, together with all the evidence for and against such intention which he can procure, including why they have not returned, and when they now purpose doing so. When these inquiries are concluded, he is directed to transmit a full report of everything pertinent to the subject to this legation through the consulate-general in Constantinople, the object being to refer each of such cases to Washington for consideration there. I shall be happy to apprise your highness of the decisions arrived at, and the instructions I may receive concerning them, but until then I cannot admit the principles and rules stated in your note as applicable to persons of this second class.

As to persons whom he may find of the third class, he is told that if they are orderly and going about their lawful business, whatever it may be, and mindful of the laws of the Empire, they have a right to live there unmolested; that this right is derived from the ancient capitulations, of late days reaffirmed by the treaties existing between the two Governments; that for conveniency, rather than a yielding up of principle, the United States have, in instances, temporarily submitted to claims insisted upon by friendly Governments against naturalized citizens of the United States formerly subjects of those friendly Governments, but who voluntarily returned and placed themselves under their jurisdiction; that as yet all such cases have been settled by amicable diplomatic arrangement; that the United States have never admitted the right of a foreign government to decide upon and nullify in any manner the franchises conferred under its naturalization laws, much less have they sanctioned the extraordinary principle which appears for the first time enunciated in your highness' note, that if a person naturalized in the United States, but resident in Turkey, has lost his original nationality, he becomes an Ottoman subject, regardless of his American naturalization; that whatever ground in right this principle may have with respect to naturalized American citizens formerly Turkish subjects, it cannot be permitted application to a naturalized American citizen originally the subject of a power not Turkish. In accordance with these views the consul is instructed that if he finds in his jurisdiction many or few naturalized Americans of the third class they have a right to call upon him for protection, and it is his duty to protect them; and to that end he must exhaust the means usually of resort on such occasions; failing in them, he must close his consulate and come away, if possible bringing the threatened people with him; and that I have no doubt the Government of the United States will have a vessel ready to receive him and them. These are, in substance, the instructions given, and I leave them to derive additional force and meaning from your highness' great intelligence and long experience in international affairs.

I avail, &c.,

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Mr. Schumacher to the Mutassarif of Acca.

Consular Agency of the United States, Haifa,

July 31, 1885.

Excellency: I have the honor to acknowledge the receipt of your letter dated the 16th July, in which you inform me that according to orders received from Constantinople you have instructed the kaimahan of Safed to exile the American Jews residing there.

In answer I beg to state that a Jew, if once a citizen of the United States, enjoys the same rights as the believer in any other religion, and I therefore energetically protest against any such action of your excellency as above mentioned, which is a violation of the treaty between the Sublime Porte and the United States, which treaty allows citizens of both respective powers to reside untroubled in either of the countries, and leave the execution of the orders you mention to the entire responsibility of your excellency.

I am, &c.,

J. SCHUMACKER,

United States Consular Agent.

history.state.gov/historicaldocuments/frus1885/d666

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Mr. Robeson to the governor-general of Syria.

Consulate of the United States, Beirut,

August 1, 1885.

Highness: I hasten to inform your highness that I have received information that the Mutassarif of Acca, in obedience to instructions received, has ordered the kaimahan of Safed to expel the American citizens residing there, who I understand to be Louis Lubrowsky and brother. These gentlemen are citizens of the United States and are entitled to the protection of the American Government, and I declare their expulsion without due process of law, conviction of crime, or misdemeanor to be illegal and in violation of international courtesy and treaty stipulations existing between the United States and the Sublime Porte.

I protest against any American citizen being illegally molested or interfered with by the Turkish authorities.

I request your highness to arrest all proceedings against the gentlemen referred to, and please let me know at your earliest convenience what course your highness has deemed proper to take in this important matter.

I improve, &c.,

JOHN T. ROBESON, Consul.

history.state.gov/historicaldocuments/frus1885/d666

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Mr. Robeson to Mr. Heap.

Consulate of the United States, Beirut,

August 6, 1885.

Sir: I have the honor to acknowledge the receipt of your dispatch, dated July 23, relative to the order of the Turkish authorities of Safed to expel Mr. Louis Lubrowsky and brother American citizens residing at that place. In answer, I beg to inform you that I have asked Mr. Schumacher, United States consular agent at Haifa, to furnish me, for the United States consulate-general, with the passports, &c., of said persons, and as soon as I have received the same I will transmit them to you.

I have, &c.,

JOHN T. ROBESON, Consul.

history.state.gov/historicaldocuments/frus1885/d666

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Mr. Robeson to Mr. Heap.

Beirut,

August 7, 1885.

Your telegram, received several days ago, was lodged by me with Vali, and by Schumacher with Mutassarif of Acca, against the expulsion of or illegal interference with American citizens at Safed, or elsewhere in Syria, by Turkish authorities. Particulars by mail.

ROBESON.

history.state.gov/historicaldocuments/frus1885/d666

Mr. Robeson to Mr. Heap.

Consulate of the United States, Beirut,

August 7, 1885.

Sir: I have the honor to acknowledge the receipt of your telegram of the 31st ultimo, also your telegram of yesterday, as follows:

"I confirm my telegram of 31st July, and now instruct you to make an energetic protest against the expulsion of American citizens on account of their religious belief. This act of the authorities of Syria is as contrary to humanity and justice as it is to treaty stipulations and the ancient capitulations, and will not be viewed with indifference by the American Government."

On the 30th July, I received a telegram from Mr. Schumacher, United States consular agent at Haifa, informing me that an order had been received by the governor of Acca from Constantinople to expel the American Jews residing at Safed. I telegraphed to Mr. Schumacher immediately to protest strongly against such illegal proceedings, and beg to inclose herewith a copy of Mr. Schumacher's protest, addressed to the governor (with translation), at which protest the governor expressed his indignation when the same was handed him. On the 1st August, I also addressed a protest to the Vali of Syria, to which no answer has been received at this consulate. As mentioned in my dispatch to you of August 6, 1885, I have asked Mr. Schumacher to furnish me immediately with the proofs of Mr. Louis Lubrowsky and brother's American citizenship.

I am, &c.,

JOHN T. ROBESON,

United States Consul.

history.state.gov/historicaldocuments/frus1885/d666

Mr. Heap to Mr. Robeson.

Consulate-General of the United States, Constantinople,

August 6, 1885.

Sir: I received on the 30th ultimo a telegram relative to the expulsion of American citizens from Syria by order of the local authorities, without process of law or even charge of crime or misdemeanor. In answer to this telegram I telegraphed to you today as follows:

"I confirm my telegram of 31st July and now instruct you to make an energetic protest against the expulsion of American citizens on account of their religious belief. This act of the authorities of Syria is as contrary to humanity and justice as it is to treaty stipulations and the ancient capitulations, and will not be viewed with indifference by the American Government."

I telegraphed to you on the 31st July in answer to a telegram received from you on the 30th, instructing you as follows:

"If Lubrowsky brothers are American citizens declare that they are under American protection, and that their expulsion without due process of law and conviction of crime or misdemeanor would be illegal and in violation of international comity, treaties, and capitulations. Porte will be asked to arrest action of provincial authorities."

You will please institute immediate inquiry into the cause of the delay in the transmission of your telegram of the 30th July, received yesterday afternoon.

My instructions by telegraph are so comprehensive that it is unnecessary for me to say more at present.

I am, &c.,

G. H. HEAP, Consul-General.

Mr. Robeson to Mr. Heap.

Consulate of the United States, Beirut,

August 14, 1885.

Sir: I have the honor to acknowledge the receipt of your dispatch, dated August 3, inclosing a copy of a dispatch of July 22, addressed by you to W. C. Emmet, esq., United States chargé d'affaires at Constantinople. Your dispatch and inclosure refer to the order to expel Louis and Jacob Lubrowsky, American citizens residing at Safed, which order evidently was based on the ground that the Lubrowsky brothers are Jews.

In answer I beg to thank you for the energetic manner in which you have taken up the case of these American Jews, and I hope you may succeed in getting the Porte to recognize these people as American citizens in the full sense of the word; also in having the Turkish authorities at Safed give up their bond and to return the money taken from Jacob Lubrowsky by the police.

To day I have received the passports of Jacob and Louis Lubrowsky (and telegraphed you to that effect), which I beg to inclose herewith, and as soon as their naturalization papers are received I will transmit them if you desire the same.

The Vali has paid no attention to my protest in the matter.

Mr. Schumacker, the United States consular agent at Haifa, writes that he has not been able to hear anything from either Jacob or Louis Lubrowsky for some days. Safed is about two and one-half days on horseback from Haifa, and is said to be a rough and dangerous country to travel in.

I am, &c.,

JOHN T. ROBESON, Consul.

history.state.gov/historicaldocuments/frus1885/d666

Mr. Heap to Mr. Robeson.

Consulate-General of the United States, Constantinople,

August 19, 1885.

Sir: I telegraphed you yesterday as follows: "Dispatch received. You will instruct the Lubrowsky brothers not to yield to order of expulsion unless force is employed. The responsibility of expelling American citizens from Ottoman territory on account of their religion and using force must rest with the Ottoman authorities;" and have just received your answer informing me that, owing to ill-treatment and sickness, Jacob Lubrowsky has returned to America.

Should recourse be had to force to expel Louis Lubrowsky from Safed, you will please general against this illegal exercise af power, and report the case to the Department of make careful inquiry into all the circumstances, present a formal protest to the governor-State with copies of all the documents bearing upon it.

I am, &c.,

G. H. HEAP, Consul-General.

history.state.gov/historicaldocuments/frus1885/d666

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Mr. Bayard to Mr. Cox

Department of State, Washington,

August 29, 1885.

Sir: I have received a dispatch, No. 429, of the 7th instant, from Mr. Heap, consul-general at Constantinople, in reference to the expulsion from Safed, Palestine, of two American citizens, Louis Lubrowsky and brother, Hebrews by nativity, because of their religious faith. It appears that these brothers on their recent arrival at Safed were required to give bonds in the sum of 400 Turkish pounds to leave the country in ten days or obtain a special license to remain.

The facts in detail will be found narrated in the correspondence which, it seems, Mr. Heap brought to the attention of Mr. Emmet on the 22d ultimo and 3d instant. For this reason I do not inclose to you a copy of Mr. Heap's dispatch, but you will immediately call upon him for such further particulars as you may desire, should the facts not be fully before your legation.

This case is commended to your attention as one in which the Department entertains the confidence that you will take the greatest interest and with which you will be competent to deal as a due regard for the rights of American citizens requires.

It is to be borne in mind, however, that those rights, under treaties, are to be measured in a certain degree by the rights conceded to other foreigners of the most favored nation You will be careful, therefore, to make no untenable demand as of right. But friendship and international comity entitle the United States to ask and expect that no race or class distinction shall be made as regards American citizens abroad, and this Government cannot acquiesce in any such prescriptive measures which compel its citizens to abandon Turkey solely on account of their religious proclivities.

Mr. Heap's dispatch will acquaint you with the extent of his action and that of the consul at Beirut to prevent this wrong.

I am, &c.,

T. F. BAYARD

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Mr. Heap to Mr. Robeson.

Consulate-General of the United States, Constantinople,

September 1, 1885.

Sir: I have nothing further to say relative to the threatened expulsion by the local authorities of Lubrowsky brothers, pending information from you whether the order has been executed, withdrawn, or allowed to fall in abeyance.

I am, &c.,

G. H. HEAP, Consul-General.

Mr. Heap to Mr. Cox.

Consulate-General of the United States, Constantinople,

September 21, 1885.

Sir: Referring to my communications to Mr. Emmet, dated the 22d of July and 3d ultimo, relative to the arbitrary order of the authorities of Syria to expel two American citizens residing at Safed, in Palestine, solely on account of their religion, I have the honor to submit, in compliance with your verbal request, a copy of all the correspondence that has passed between this consulate and that at Beirut in relation to this affair since the date of my dispatch of the 3d ultimo to the late Chargé d'affaires ad interim.

With your approval I instructed Mr. Robeson on the 6th of August to protest against the expulsion of American citizens on account of their religious belief, and qualified the order as an act not only contrary to humanity and justice but in violation of treaty stipulations, and that the American Government would not view it with indifference.

I telegraphed again, with your consent, on the 18th of August and requested Mr. Robeson to instruct the Messrs. Lubrowsky to yield only to force, so as to leave the entire responsibility of this illegal act to the Turkish authorities.

Should the authorities of Syria have concluded to desist from the execution of their threat to imprison the Lubrowsky brothers unless they left the country there will only remain the obtaining of their release from the bond they were required to give to leave the country in ten days or obtain a special license to remain, and the repayment of the money extorted from one of them on his arrival by a policeman.

In all this transaction Mr. Robeson has acted with good judgment, discretion, and firmness.

I am, &c.,

G. H. HEAP, Consul-General.

Mr. Cox to Mr. Bayard.

Legation of the United States, Constantinople,

September 24, 1885.

Sir: Your dispatch No. 16, of August 29, refers to the proposed expulsion from Safed, Palestine, of two American citizens, viz, Louis Lubrowsky and his brother. They are Hebrews, but, as I took good care to ascertain authentically, they are American citizens.

Before my audience, I was called on to advise with Mr. Heap, the consul-general, as to this very case. My first concern was the ascertainment of their citizenship. After that, as the inclosures will satisfy you, we were not derelict in anticipating, as it were, your stringent instructions for the protection and vindication of American citizenship in this case.

The arrest, or rather the bond required of these brothers, was not because they were guilty of crime or otherwise amenable to Turkish law. The simple question and response was, "Are they not Jews? If so, they must go." We said, "No! unless by superior force." The telegram we sent made this our conclusion plain.

No more is heard of the case. That signifies a suspension of the attempt to expel.

I inclose to you the dispatch of Mr. Heap, which is a résumé of this business.

I have, &c.,

S. S. COX.

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Mr. Angell to Mr. Sherman.

Legation of the United States, Constantinople,

January 5, 1898.

Sir: In my No. 59 of December 8 I reported to the Department what I supposed was the happy termination of efforts I had been making for more than two months to secure permission for Mr. Simon Ben Nachman Lowenstein to purchase a house and lot in Jerusalem. In the absence of the grand vizier from his office a responsible subordinate, member of his staff, assured my dragoman that the prohibition to Hebrews to purchase real estate did not apply to such a person as Mr. Lowenstein, and that it had been decided to send orders to that effect to Jerusalem. Accordingly, I so informed you and our consul at Jerusalem.

But now I am surprised to receive a note verbale from the secretary for foreign affairs reporting the decision to refuse my request and referring me for the reasons to a note communicated to this legation on March 27, 1894. As it does not appear from our records that the note was ever sent to the Department and as the subject it discusses is one of no little importance, I inclose it to you for consideration.

It will be observed that under certain conditions permission will be accorded to American citizens who are Jews to purchase real estate. But they are conditions which are not imposed on other American citizens. I do not feel at liberty to ask any American Hebrew to comply with them, since by so doing I should make a discrimination against Hebrews, which is wholly foreign to the spirit of our institutions.

But I beg to call the attention of the Department to the argument which seems to underlie the Turkish regulation.

The Ottoman law of 1867, Which concedes to foreigners the right of holding real estate in the Ottoman Empire, and which is formally accepted by the protocol of 1874, declares in Article II:

Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

And, after specifying on certain particulars the legal effect of this equality, it says:

In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

Now, Ottoman subjects of the Jewish faith not being allowed to purchase real estate in Jerusalem except under certain limitations, Jews of foreign nationality, it is claimed, may be forbidden to purchase under the same limitations.

The prohibition under consideration applies only to Palestine, and we are assured owes its existence solely to the fear that an inundation of Jews may overflow Palestine and greatly embarrass the Government.

The above argument is not particularly dwelt upon in the note of 1894, but it has been adduced by the secretary for foreign affairs in conversations with me, though, I am bound to say, not with great emphasis. Still, sooner or later, we may expect to see it pressed, and therefore I have deemed it well to call the attention of the Department to it, so that, if thought expedient, proper instructions may be given in regard to it.

In answering the last note verbale I have purposely avoided all reference to this point, and have attempted to show that, as the main reason given in 1894 for the prohibitory regulation was the desire to prevent an inundation of Russian Jews, the case of Mr. Lowenstein does not fairly come within the scope of the prohibition. I had in my first note verbale (September, 1897) on this subject protested against any discriminations against American citizens of the Hebrew faith.

I have, etc.,

James B. Angell.

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## THE MINISTER FOR FOREIGN AFFAIRS TO MR. ANGELL.

Ministry of Foreign Affairs,

December 22, 1897.

The ministry of foreign affairs has received the memorandum No. 1 which the legation of the United States of America was pleased to address to it on the 23d of September last, relative to a house which an American citizen, Simon Ben Nachman Lowenstein, wishes to purchase at Jerusalem.

The acquisition of real estate in Palestine by Jewish emigrants being prohibited on the grounds set forth in the note verbale of March 17, 1894, the imperial ministry regrets that it is not able to grant the request which forms the subject of the above-named memorandum.

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THE MINISTER FOR FOREIGN AFFAIRS TO MR. ANGELL.

Sublime Porte,

March 27, 1894.

It appears from a report made by the governor of Jerusalem that Jewish emigrants from Russia, after going to the United States and becoming naturalized in that country, enter Palestine and seek to acquire property there.

The acquisition of real property in Palestine by Jewish immigrants is, however, forbidden. This measure, which is dictated by considerations of a political nature, has for its sole object the prevention of the permanent establishment in Palestine of Jewish immigrants, who, in spite of the existing prohibition, have succeeded or may succeed in entering the country.

The Imperial Government having prohibited entry into Palestine to foreign Jews emigrating in a body, as was communicated to the foreign missions by the circular notes verbales of October 4 and 8, 1888, no objection can reasonably be raised at the present day to a measure which is solely designed to safeguard and render more efficacious this prohibition.

Besides, as the interdiction against acquiring real property in Palestine applies to native Jews as well as foreign ones, the latter can not complain of unequal treatment.

In order, however, to avoid any prejudice being caused to the interests of foreign Jews duly settled in Palestine by the measure in question, the Defterhane (real-estate bureau) records the acquisition of real property if the purchaser, even though a Jew, presents a certificate from his consulate, attested by the governor of Jerusalem, showing that he does not belong to the class of Jews whose immigration into Palestine is forbidden, and if in addition he delivers a declaration by which he undertakes, in the case of urban property, not to allow the house he is buying to be inhabited by Jews of this category, and, in the case of rural property, not to found Jewish colonies on it. It is well understood that measures will be taken against persons who may act in a manner contrary to their declaration.

The ministry of foreign affairs requests the United States legation to furnish their consul at Jerusalem with the necessary instructions.

The United States Legation, Constantinople.

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## MR. ANGELL TO THE MINISTER FOR FOREIGN AFFAIRS.

Legation of the United States,

January 5, 1898.

The minister of the United States has the honor to acknowledge the receipt of the note verbale of December 22, 1897, declining to accede to his request that Mr. Lowenstein, an American citizen of the Jewish faith, should be permitted to purchase a house and lot in Jerusalem. Reference is made in the note to a note verbale of March 27, 1894, as giving the reasons for the refusal of the request. In that note verbale reference is made to another of October 8, 1888, as prohibiting "the coming to Palestine of Jewish immigrants in a body" (l'aecs de la Palestine aux Israelites trangers migrant en masse). In the note of October 8, 1888, it is said that the prohibition is limited to those who emigrate in a considerable number ( ceux qui migrent en nombre).

The minister of the United States understands from these notes, as well as from conversations with his excellency, the minister of foreign affairs, that the regulations of the Ottoman Government were made when it was believed that great numbers of Jews were to be expelled from Russia, and, therefore, that there was danger of an inundation of them in Palestine.

But he begs leave to say that the case which he presents is entirely different from that against which the Ottoman regulations are directed. It is that of a solitary individual from America. It is not to be supposed that Russian Jews will go to the United States and spend the five years required for naturalization in order to come to Palestine as American citizens.

The minister of the United States trusts, therefore, that his excellency will conclude that there is no good reason for applying the regulation aimed at Russian Jews coming in great numbers to the case of Mr. Lowenstein.

## MR. ANGELL TO MR. SHERMAN.

Legation of the United States,

Constantinople, December 8, 1897.

Sir: On September 10 last I received, through the consul-general, a complaint from Consul Wallace, at Jerusalem, that the local authorities had refused the request of an American citizen, Simon Ben Nachman Lowenstein, for permission to buy a house and lot in that city. The reason given for the refusal was that, the applicant was a Jew, and that an order of the Sublime Porte forbade Jews to become landholders until they had been long resident in Turkey, and that Mr. Lowenstein had not been long in the country.

I at once called on the secretary for foreign affairs and informed him that our Government could not recognize discrimination in the treatment of American citizens on the ground of religious belief or connection. I reminded him that a regulation could not override a treaty, as this order did violate the protocol of 1874. He said the order had been framed in consequence of the supposed danger of an inundation of Jews, who might cause serious political difficulties at Jerusalem. But he promised to give early attention to my request in behalf of Mr. Lowenstein, and asked me to furnish a memorandum for him. I inclose a copy of my memorandum.

Though the dragoman has under my instructions repeatedly called up the case, it is only now that the grand vizier has taken action. Yesterday he promised to send an order at once to the vali at Jerusalem to permit Mr. Lowenstein to make his purchase. He said that the order was aimed at Russian Jews, who, it was feared, might come in great numbers, and was not intended to apply to Americans.

I have, etc.,

James B. Angell.

## MR. ANGELL TO THE MINISTRY OF FOREIGN AFFAIRS.

Legation of the United States, Constantinople,

September 23, 1897.

The Ministry of Foreign Affairs.

Sir: Agreeably to the request of his excellency the secretary for foreign affairs, the minister of the United States begs leave to present the following memorandum:

About three months ago an application was regularly made through the American consul to the Turkish officials in Jerusalem in charge of the land department for permission for one of our citizens, named Simon Ben Nachnian Lowenstein, to purchase a small property, cohsistiug of a lot and a house. The application was refused, on the ground that the applicant is said to be a Jew, and that an order from the Sublime Porte, dated April 19, 1309, requires that a Jew be an old resident in Turkey before he can become a landholder, and that Mr. Lowenstein has been in Jerusalem only a short time.

The minister begs leave to express the hope that the order of the Sublime Porte does not properly bear the interpretation and application given to it above. If an American citizen be denied the right to acquire real estate in this Empire on the ground that he is alleged to be of a certain religious faith, the duty of the minister to his Government would require him to protest against such a discrimination as inadmissible. Equal rights under treaties are claimed for all American citizens regardless of the faith they profess. The minister trusts, therefore, that his excellency will see that orders are speedily given to the authorities at Jerusalem to allow Mr. Lowenstein to complete his purchase.

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## MR. SHERMAN TO MR. ANGELL.

Department of State, Washington,

December 28, 1897.

Sir: I have to acknowledge the receipt of your dispatch, No. 59, of the 8th instant, reporting your successful efforts to secure for Mr. Simon Ben Nachman Lowenstein, an American citizen of the Hebrew faith, the right to buy and hold a house and lot of ground in Jerusalem.

The Department approves your action in the matter, and is gratified at the result of your remonstrance to the Turkish minister for foreign affairs.

Respectfully, yours,

John Sherman.

---

MR. ANGELL TO MR. SHERMAN.

Legation of the United States, Constantinople,

January 5, 1898.

Sir: In my No. 59 of December 8 I reported to the Department what I supposed was the happy termination of efforts I had been making for more than two months to secure permission for Mr. Simon Ben Nachman Lowenstein to purchase a house and lot in Jerusalem. In the absence of the grand vizier from his office a responsible subordinate, member of his staff, assured my dragoman that the prohibition to Hebrews to purchase real estate did not apply to such a person as Mr. Lowenstein, and that it had been decided to send orders to that effect to Jerusalem. Accordingly, I so informed you and our consul at Jerusalem.

But now I am surprised to receive a note verbale from the secretary for foreign affairs reporting the decision to refuse my request and referring me for the reasons to a note communicated to this legation on March 27, 1894. As it does not appear from our records that the note was ever sent to the Department and as the subject it discusses is one of no little importance, I inclose it to you for consideration.

It will be observed that under certain conditions permission will be accorded to American citizens who are Jews to purchase real estate. But they are conditions which are not imposed on other American citizens. I do not feel at liberty to ask any American Hebrew to comply with them, since by so doing I should make a discrimination against Hebrews, which is wholly foreign to the spirit of our institutions.

But I beg to call the attention of the Department to the argument which seems to underlie the Turkish regulation.

The Ottoman law of 1867, Which concedes to foreigners the right of holding real estate in the Ottoman Empire, and which is formally accepted by the protocol of 1874, declares in Article II:

Foreigners, proprietors of real estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

And, after specifying on certain particulars the legal effect of this equality, it says:

In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

Now, Ottoman subjects of the Jewish faith not being allowed to purchase real estate in Jerusalem except under certain limitations, Jews of foreign nationality, it is claimed, may be forbidden to purchase under the same limitations.

The prohibition under consideration applies only to Palestine, and we are assured owes its existence solely to the fear that an inundation of Jews may overflow Palestine and greatly embarrass the Government.

The above argument is not particularly dwelt upon in the note of 1894, but it has been adduced by the secretary for foreign affairs in conversations with me, though, I am bound to say, not with great emphasis. Still, sooner or later, we may expect to see it pressed, and therefore I have deemed it well to call the attention of the Department to it, so that, if thought expedient, proper instructions may be given in regard to it.

In answering the last note verbale I have purposely avoided all reference to this point, and have attempted to show that, as the main reason given in 1894 for the prohibitory regulation was the desire to prevent an inundation of Russian Jews, the case of Mr. Lowenstein does not fairly come within the scope of the prohibition. I had in my first note verbale (September, 1897) on this subject protested against any discriminations against American citizens of the Hebrew faith.

I have, etc.,

James B. Angell.

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THE MINISTER FOR FOREIGN AFFAIRS TO MR. ANGELL.

Ministry of Foreign Affairs,

December 22, 1897.

.The ministry of foreign affairs has received the memorandum No. 1 which the legation of the United States of America was pleased to address to it on the 23d of September last, relative to a house which an American citizen, Simon Ben Nachman Lowenstein, wishes to purchase at Jerusalem.

The acquisition of real estate in Palestine by Jewish emigrants being prohibited on the grounds set forth in the note verbale of March 17, 1894, the imperial ministry regrets that it is not able to grant the request which forms the subject of the above-named memorandum.

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THE MINISTER FOR FOREIGN AFFAIRS TO MR. ANGELL.

Sublime Porte,

March 27, 1894.

It appears from a report made by the governor of Jerusalem that Jewish emigrants from Russia, after going to the United States and becoming naturalized in that country, enter Palestine and seek to acquire property there.

The acquisition of real property in Palestine by Jewish immigrants is, however, forbidden. This measure, which is dictated by considerations of a political nature, has for its sole object the prevention of the permanent establishment in Palestine of Jewish immigrants, who, in spite of the existing prohibition, have succeeded or may succeed in entering the country.

The Imperial Government having prohibited entry into Palestine to foreign Jews emigrating in a body, as was communicated to the foreign missions by the circular notes verbales of October 4 and 8, 1888, no objection can reasonably be raised at the present day to a measure which is solely designed to safeguard and render more efficacious this prohibition.

Besides, as the interdiction against acquiring real property in Palestine applies to native Jews as well as foreign ones, the latter can not complain of unequal treatment.

In order, however, to avoid any prejudice being caused to the interests of foreign Jews duly settled in Palestine by the measure in question, the Defterhane (real-estate bureau) records the acquisition of real property if the purchaser, even though a Jew, presents a certificate from his consulate, attested by the governor of Jerusalem, showing that he does not belong to the class of Jews whose immigration into Palestine is forbidden, and if in addition he delivers a declaration by which he undertakes, in the case of urban property, not to allow the house he is buying to be inhabited by Jews of this category, and, in the case of rural property, not to found Jewish colonies on it. It is well understood that measures will be taken against persons who may act in a manner contrary to their declaration.

The ministry of foreign affairs requests the United States legation to furnish their consul at Jerusalem with the necessary instructions.

The United States Legation, Constantinople.

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## MR. ANGELL TO THE MINISTER FOR FOREIGN AFFAIRS.

Legation of the United States,

January 5, 1898.

The minister of the United States has the honor to acknowledge the receipt of the note verbale of December 22, 1897, declining to accede to his request that Mr. Lowenstein, an American citizen of the Jewish faith, should be permitted to purchase a house and lot in Jerusalem. Reference is made in the note to a note verbale of March 27, 1894, as giving the reasons for the refusal of the request. In that note verbale reference is made to another of October 8, 1888, as prohibiting "the coming to Palestine of Jewish immigrants in a body" (l'aecs͡ de la Palestine aux Israelites f͡rangers m͡igrant en masse). In the note of October 8, 1888, it is said that the prohibition is limited to those who emigrate in a considerable number (͡ ceux qui m͡igrent en nombre).

The minister of the United States understands from these notes, as well as from conversations with his excellency, the minister of foreign affairs, that the regulations of the Ottoman Government were made when it was believed that great numbers of Jews were to be expelled from Russia, and, therefore, that there was danger of an inundation of them in Palestine.

But he begs leave to say that the case which he presents is entirely different from that against which the Ottoman regulations are directed. It is that of a solitary individual from America. It is not to be supposed that Russian Jews will go to the United States and spend the five years required for naturalization in order to come to Palestine as American citizens.

The minister of the United States trusts, therefore, that his excellency will conclude that there is no good reason for applying the regulation aimed at Russian Jews coming in great numbers to the case of Mr. Lowenstein.

MR. SHERMAN TO MR. ANGELL.

Department of State, Washington,

February 7, 1898.

Sir: In your dispatch, No. 78, of January 5, ultimo, you report the adverse decision of the Turkish Government with respect to the application of Mr. Simon Ben Nachman Lowenstein for permission to purchase a house and lot in Jerusalem.

You examine and discuss in this relation the privilege of American citizens, and especially those of Hebrew faith, under the Ottoman law of 1867, which concedes to foreigners the right of holding real estate in the Ottoman Empire, which law is formally accepted by the protocol of 1874, which has, as between the United States and Turkey the force of convention. By the eleventh article of that law, foreigners being proprietors of real estate in town or in country are placed upon terms of equality with Ottoman subjects in all things that concern their landed property, from which it would seem that the Turkish Government deduces the inhibition of alien Jews to purchase real estate in Jerusalem, inasmuch as Ottoman subjects of the Jewish faith are not allowed to hold real estate there. Although this phase of the argument has not heretofore been dwelt upon in correspondence, nor been pressed with much emphasis by the secretary for foreign affairs in conversation with you, you expect sooner or later to see it pressed, in view of which you desire to receive such instructions as the Department may think proper to give on the subject.

The reservations or inhibitions derivable from article 11 of the Ottoman law of 1867, as annexed to the protocol of 1874, have heretofore attracted the attention of this Department, and, without having an express case before it for decision, it has nevertheless been inclined to think that a specific disability imposed upon Ottoman subjects for any cause as regards their tenure of real estate would in like manner be deemed to apply to aliens, provided no discriminations among the several classes of foreigners were thereby made. As to the reason and equity of the inhibition in question, that is another matter, and in view of the fact that the inhibition is not aimed at American Jews, the conditions of whose residence do not fall within those of Russian and other Hebrews, which is supposed to have led to the adoption of the Turkish rule, it would seem proper for you to endeavor to obtain some modification of the restrictions whereby, under such limitations and regulations as may be practical and just, American citizens of the Jewish faith may be allowed to purchase real estate in Jerusalem.

Respectfully, yours,

John Sherman.

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Mr. Angell to Mr. Sherman.

Legation of the United States,Constantinople,

January 5, 1898.

Sir: In my No. 59 of December 8 I reported to the Department what I supposed was the happy termination of efforts I had been making for more than two months to secure permission for Mr. Simon Ben Nachman Lowenstein to purchase a house and lot in Jerusalem. In the absence of the grand vizier from his office a responsible subordinate, member of his staff, assured my dragoman that the prohibition to Hebrews to purchase real estate did not apply to such a person as Mr. Lowenstein, and that it had been decided to send orders to that effect to Jerusalem. Accordingly, I so informed you and our consul at Jerusalem.

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The prohibition under consideration applies only to Palestine, and we are assured owes its existence solely to the fear that an inundation of Jews may overflow Palestine and greatly embarrass the Government.

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James B. Angell.

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THE MINISTER FOR FOREIGN AFFAIRS

TO MR. ANGELL.

Ministry of Foreign Affairs,

December 22, 1897.

The ministry of foreign affairs has received the memorandum No. 1 which the legation of the United States of America was pleased to address to it on the 23d of September last, relative to a house which an American citizen, Simon Ben Nachman Lowenstein, wishes to purchase at Jerusalem.

The acquisition of real estate in Palestine by Jewish emigrants being prohibited on the grounds set forth in the note verbale of March 17, 1894, the imperial ministry regrets that it is not able to grant the request which forms the subject of the above-named memorandum.

https://history.state.gov/historicaldocuments/frus1898/d1126

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Sublime Porte,

March 27, 1894.

It appears from a report made by the governor of Jerusalem that Jewish emigrants from Russia, after going to the United States and becoming naturalized in that country, enter Palestine and seek to acquire property there.

The acquisition of real property in Palestine by Jewish immigrants is, however, forbidden. This measure, which is dictated by considerations of a political nature, has for its sole object the prevention of the permanent establishment in Palestine of Jewish immigrants, who, in spite of the existing prohibition, have succeeded or may succeed in entering the country.

The Imperial Government having prohibited entry into Palestine to foreign Jews emigrating in a body, as was communicated to the foreign missions by the circular notes verbales of October 4 and 8, 1888, no objection can reasonably be raised at the present day to a measure which is solely designed to safeguard and render more efficacious this prohibition.

Besides, as the interdiction against acquiring real property in Palestine applies to native Jews as well as foreign ones, the latter can not complain of unequal treatment.

In order, however, to avoid any prejudice being caused to the interests of foreign Jews duly settled in Palestine by the measure in question, the Defterhane (real-estate bureau) records the acquisition of real property if the purchaser, even though a Jew, presents a certificate from his consulate, attested by the governor of Jerusalem, showing that he does not belong to the class of Jews whose immigration into Palestine is forbidden, and if in addition he delivers a declaration by which he undertakes, in the case of urban property, not to allow the house he is buying to be inhabited by Jews of this category, and, in the case of rural property, not to found Jewish colonies on it. It is well understood that measures will be taken against persons who may act in a manner contrary to their declaration.

The ministry of foreign affairs requests the United States legation to furnish their consul at Jerusalem with the necessary instructions.

The United States Legation, Constantinople.

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MR. ANGELL TO THE MINISTER FOR FOREIGN AFFAIRS.

Legation of the United States,

January 5, 1898.

The minister of the United States has the honor to acknowledge the receipt of the note verbale of December 22, 1897, declining to accede to his request that Mr. Lowenstein, an American citizen of the Jewish faith, should be permitted to purchase a house and lot in Jerusalem. Reference is made in the note to a note verbale of March 27, 1894, as giving the reasons for the refusal of the request. In that note verbale reference is made to another of October 8, 1888, as prohibiting "the coming to Palestine of Jewish immigrants in a body" (l'aecs de la Palestine aux Israelites étrangers émigrant en masse). In the note of October 8, 1888, it is said that the prohibition is limited to those who emigrate in a considerable number (à ceux qui émigrent en nombre).

The minister of the United States understands from these notes, as well as from conversations with his excellency, the minister of foreign affairs, that the regulations of the Ottoman Government were made when it was believed that great numbers of Jews were to be expelled from Russia, and, therefore, that there was danger of an inundation of them in Palestine.

But he begs leave to say that the case which he presents is entirely different from that against which the Ottoman regulations are directed. It is that of a solitary individual from America. It is not to be supposed that Russian Jews will go to the United States and spend the five years required for naturalization in order to come to Palestine as American citizens.

The minister of the United States trusts, therefore, that his excellency will conclude that there is no good reason for applying the regulation aimed at Russian Jews coming in great numbers to the case of Mr. Lowenstein. MR. ANGELL TO MR. SHERMAN.

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Legation of the United States, Constantinople,

December 8, 1897.

Sir: On September 10 last I received, through the consul-general, a complaint from Consul Wallace, at Jerusalem, that the local authorities had refused the request of an American citizen, Simon Ben Nachman Lowenstein, for permission to buy a house and lot in that city. The reason given for the refusal was that, the applicant was a Jew, and that an order of the Sublime Porte forbade Jews to become landholders until they had been long resident in Turkey, and that Mr. Lowenstein had not been long in the country.

I at once called on the secretary for foreign affairs and informed him that our Government could not recognize discrimination in the treatment of American citizens on the ground of religious belief or connection. I reminded him that a regulation could not override a treaty, as this order did violate the protocol of 1874. He said the order had been framed in consequence of the supposed danger of an inundation of Jews, who might cause serious political difficulties at Jerusalem. But he promised to give early attention to my request in behalf of Mr. Lowenstein, and asked me to furnish a memorandum for him. I inclose a copy of my memorandum.

Though the dragoman has under my instructions repeatedly called up the case, it is only now that the grand vizier has taken action. Yesterday he promised to send an order at once to the vali at Jerusalem to permit Mr. Lowenstein to make his purchase. He said that the order was aimed at Russian Jews, who, it was feared, might come in great numbers, and was not intended to apply to Americans.

I have, etc.,

James B. Angell.

MR. ANGELL TO THE MINISTRY OF FOREIGN AFFAIRS.

Legation of the United States, Constantinople,

September 23, 1897.

The Ministry of Foreign Affairs.

Sir: Agreeably to the request of his excellency the secretary for foreign affairs, the minister of the United States begs leave to present the following memorandum:

About three months ago an application was regularly made through the American consul to the Turkish officials in Jerusalem in charge of the land department for permission for one of our citizens, named Simon Ben Nachnian Lowenstein, to purchase a small property, cohsistiug of a lot and a house. The application was refused, on the ground that the applicant is said to be a Jew, and that an order from the Sublime Porte, dated April 19, 1309, requires that a Jew be an old resident in Turkey before he can become a landholder, and that Mr. Lowenstein has been in Jerusalem only a short time.

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The minister trusts, therefore, that his excellency will see that orders are speedily given to the authorities at Jerusalem to allow Mr. Lowenstein to complete his purchase.

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MR. SHERMAN TO MR. ANGELL.

Department of State, Washington,

December 28, 1897.

Sir: I have to acknowledge the receipt of your dispatch, No. 59, of the 8th instant, reporting your successful efforts to secure for Mr. Simon Ben Nachman Lowenstein, an American citizen of the Hebrew faith, the right to buy and hold a house and lot of ground in Jerusalem.

The Department approves your action in the matter, and is gratified at the result of your remonstrance to the Turkish minister for foreign affairs.

Respectfully, yours, John Sherman.

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MR. ANGELL TO MR. SHERMAN.

Legation of the United States, Constantinople,

January 5, 1898.

Sir: In my No. 59 of December 8 I reported to the Department what I supposed was the happy termination of efforts I had been making for more than two months to secure permission for Mr. Simon Ben Nachman Lowenstein to purchase a house and lot in Jerusalem. In the absence of the grand vizier from his office a responsible subordinate, member of his staff, assured my dragoman that the prohibition to Hebrews to purchase real estate did not apply to such a person as Mr. Lowenstein, and that it had been decided to send orders to that effect to Jerusalem. Accordingly, I so informed you and our consul at Jerusalem.

But now I am surprised to receive a note verbale from the secretary for foreign affairs reporting the decision to refuse my request and referring me for the reasons to a note communicated to this legation on March 27, 1894. As it does not appear from our records that the note was ever sent to the Department and as the subject it discusses is one of no little importance, I inclose it to you for consideration.

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The prohibition under consideration applies only to Palestine, and we are assured owes its existence solely to the fear that an inundation of Jews may overflow Palestine and greatly embarrass the Government.

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THE MINISTER FOR FOREIGN AFFAIRS TO MR. ANGELL.

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The United States Legation, Constantinople.

## MR. ANGELL TO THE MINISTER FOR FOREIGN AFFAIRS.

Legation of the United States,

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But he begs leave to say that the case which he presents is entirely different from that against which the Ottoman regulations are directed. It is that of a solitary individual from America. It is not to be supposed that Russian Jews will go to the United States and spend the five years required for naturalization in order to come to Palestine as American citizens.

The minister of the United States trusts, therefore, that his excellency will conclude that there is no good reason for applying the regulation aimed at Russian Jews coming in great numbers to the case of Mr. Lowenstein.

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## MR. SHERMAN TO MR. ANGELL.

Department of State, Washington,

February 7, 1898.

Sir: In your dispatch, No. 78, of January 5, ultimo, you report the adverse decision of the Turkish Government with respect to the application of Mr.

Simon Ben Nachman Lowenstein for permission to purchase a house and lot in Jerusalem.

You examine and discuss in this relation the privilege of American citizens, and especially those of Hebrew faith, under the Ottoman law of 1867, which concedes to foreigners the right of holding real estate in the Ottoman Empire, which law is formally accepted by the protocol of 1874, which has, as between the United States and Turkey the force of convention. By the eleventh article of that law, foreigners being proprietors of real estate in town or in country are placed upon terms of equality with Ottoman subjects in all things that concern their landed property, from which it would seem that the Turkish Government deduces the inhibition of alien Jews to purchase real estate in Jerusalem, inasmuch as Ottoman subjects of the Jewish faith are not allowed to hold real estate there. Although this phase of the argument has not heretofore been dwelt upon in correspondence, nor been pressed with much emphasis by the secretary for foreign affairs in conversation with you, you expect sooner or later to see it pressed, in view of which you desire to receive such instructions as the Department may think proper to give on the subject.

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Respectfully, yours,

John Sherman.

1898 - the Ottoman Empire forbade Jewish from buying land in Palestine

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1901 Jews who visit Palestine must Surrender their passport ?

1898 THE OTTOMAN EMPIRE FORBADE JEWISH FROM BUYING LAND IN PALESTINE

1901 JEWS WHO VISIT PALESTINE MUST SURRENDER THEIR PASSPORT

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MR. GRISCOM TO MR. HAY.

Legation of the United States, Constantinople,

January 31, 1901.

Sir: I have the honor to transmit herewith enclosed a copy of a dispatch from Consul Merrill at Jerusalem, wherein he reports that he has been notified of a new order issued by the Ottoman minister of the interior in relation to foreign Jews who visit Palestine. The order applies to all Jews who come to Palestine from other countries as pilgrims or visitors, and it provides as follows:

On arriving at Jaffa the visitor must deliver his passport to the Turkish authorities and receive in return a Turkish document. The visitor is allowed to reside in the country three months, at the expiration of which time he must surrender his Turkish permit, receive his passport, and leave. In case they do not leave when requested at the expiration of the time allowed, the consuls of different nationalities are to be called upon to compel their subjects to depart.

Mr. Merrill points out that the only hold the consulate has on naturalized American Jews in Palestine is the possession of their passport and citizenship papers. Also, they do not always depart at Jaffa, the usual point of arrival. If they do not leave at the expiration of three months, the consul must have authority to send them away in case they refuse to go. The refusal is generally given on the grounds of having no money.

As I am transmitting this dispatch at once for the information and instructions of the Department, I have not yet ascertained what action, if any, the other foreign missions propose to take in the matter.

I have, etc.,

Lloyd C. Griscom.

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CONSUL MERRILL TO MR. GRISCOM.

United States Consulate, Jerusalem,

January 14, 1901.

Sir: We have received from the governor of Jerusalem a copy of an order from the Turkish minister of the interior at Constantinople relative to Jews who visit Palestine. Said order, we are notified, goes into effect on the 15th of January Greek style, or January 29 of our reckoning.

The order applies to all Jews who come to Palestine from other countries as pilgrims or visitors.

The conditions are as follows:

On arriving at Jaffa the visitor must deliver his passport to the Turkish authorities and receive therefor a Turkish document. The visitor is allowed to reside in the country three months. At the expiration of that time he must leave the country, surrender his Turkish permit, and receive therefor his passport.

In case that foreign subjects do not leave when requested at the expiration of their permits, the consuls of the different nationalities are to be called upon to compel their subjects to go away.

When an American naturalized Jew arrives in Palestine the only hold we have upon him is his passport and citizen papers, if he has any. If his passport is deposited with the Turkish authorities at Jaffa, where he lands, what shall we do?

Again, visitors frequently make their way north up through the country and embark at Beirut. But if their passports have been deposited with the Turkish authorities at Jaffa, and held by them, what can be done?

If such visitors are obliged to leave at the expiration of the three months, the consul must be authorized to send them away in case they refuse to go. They will almost certainly plead that they can not go because they "have no money."

This order concerns this consulate more than any other United States consulate in Turkey, for it is well known that to one naturalized Jew landing at any other port, 25 or 30 land at Jaffa, the port of Jerusalem.

It will be seen at once that in this matter definite instructions are needed. Otherwise the same old chronic trouble will reappear; the consul says one thing and the local Turkish authorities say another thing; there will be constant irritation and annoyance.

I should have communicated these facts earlier to the legation, but it is only within a few days that we received the order in question.

I remain, etc.,

Selah Merrill,

United States Consul.

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MR. HAY TO MR. GRISCOM.

Department of State, Washington,

February 28, 1901.

Sir: I have to acknowledge the receipt of your dispatch No. 316, of the 31st ultimo, reporting that you are advised by the United States consul at Jerusalem that the Ottoman minister of the interior has issued a new order respecting the sojourn in Palestine of foreign Jews who go there as pilgrims or visitors.

You state the provisions of the order and request instructions in the premises.

Setting aside the objectionable feature whereby a racial or religious distinction is made in regard to Jews, and of which feature this Government finds difficulty in taking official cognizance, in view of our constitutional inhibition against any disability founded on creed, the Turkish order now reported appears to establish the rule of three months' permitted sojourn of American visitors to Palestine, for which we have always contended. See instructions to Mr. Straus, No. 13, dated October 14, 1898, and subsequent correspondence, on the subject of the Ottoman regulations respecting the entrance of foreign Jews into Palestine.

It should, however, be made clear to the Turkish authorities that the consuls of the United States in Turkish jurisdiction are neither directed nor permitted by law to assist the Turkish officers in their execution of municipal laws or regulations, and therefore could not intervene to constrain the departure of an American citizen from Turkish jurisdiction. Neither can the consul be called upon to forego the performance of his duty in case an American citizen should be harshly dealt with in contravention of treaty or law.

As the consul is without authority to compel a visiting American citizen to deposit his passport and citizen papers in the consulate, it would seem that he is not in a position to contest the Turkish requirement that such papers be surrendered to the Ottoman officers during the time of sojourn in Palestine.